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E-filed on: 12/28/06

10 Attorneys for **John Godfrey**

11 **UNITED STATES BANKRUPTCY COURT**

12 **DISTRICT OF NEVADA**

13 In re  
 14 USA COMMERCIAL MORTGAGE COMPANY,  
 15 Debtor.

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

16 In re  
 17 USA CAPITAL REALTY ADVISORS, LLC,  
 18 Debtor.

Chapter 11

19 In re  
 20 USA CAPITAL DIVERSIFIED TRUST DEED  
 21 FUND, LLC,  
 22 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

23 In re  
 24 USA CAPITAL FIRST TRUST DEED FUND,  
 25 LLC,  
 26 Debtor.

**RESPONSE OF JOHN GODFREY TO  
 OMNIBUS OBJECTION OF THE  
 OFFICIAL COMMITTEE OF EQUITY  
 SECURITY HOLDERS OF USA CAPITAL  
 DIVERSIFIED TRUST DEED FUND, LLC,  
 TO CLAIMS ON EQUITY MISFILED AS  
 CREDITOR CLAIMS**

27 In re  
 28 USA SECURITIES, LLC,  
 29 Debtor.

DATE: January 3, 2007  
 TIME: 9:30 a.m.

30 Affects:  
 31  All Debtors  
 32  USA Commercial Mortgage Company  
 33  USA Securities, LLC  
 34  USA Capital Realty Advisors, LLC  
 35  USA Capital Diversified Trust Deed Fund, LLC  
 36  USA Capital First Trust Deed Fund, LLC

37 John Godfrey, by and through his counsel, James D. Greene of Schreck Brignone, hereby  
 38 responds to the Omnibus Objection of the Official Committee of Equity Security Holders of USA

1 Capital Diversified Trust Deed Fund, LLC, to Claims on Equity Misfiled as Creditor Claims  
2 ("Omnibus Objection"). As the Omnibus Objection indicates, John Godfrey filed proof of claim  
3 number 101-1 in the amount of \$262,760.24 in connection with an investment made in USA  
4 Capital Diversified Trust Deed Fund, LLC. So long as the Omnibus Objection is only to the  
5 characterization of the claim and seeks to re-classify Mr. Godfrey's claim as a proof of interest,  
6 Mr. Godfrey does not oppose the relief sought in the Omnibus Objection. In the event the  
7 Omnibus Objection seeks to disallow Mr. Godfrey's claim in any way, however, Mr. Godfrey  
8 opposes the Omnibus Objection.

10 DATED this 28th day of December, 2006.

11 By: /s/ James D. Greene  
12 James D. Greene, Esq.  
13 SCHRECK BRIGNONE  
14 300 South Fourth Street  
15 Suite 1200  
16 Las Vegas, Nevada 89101  
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## **CERTIFICATE OF SERVICE**

I am employed in Clark County. I am over the age of 18 and not a party to this action. My business address is 300 South Fourth Street, 12th Floor, Las Vegas, Nevada 89101.

On the December 28, 2006, I served the foregoing document(s), described as:

## 1. Response of John Godfrey to Omnibus Objection of the Official Objection of the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC to Claims on Equity Misfiled as Creditor Claims

by placing the  the original  a true copy thereof enclosed in a sealed envelope addressed as follows:

Marc A. Levinson, Esq.  
Lynn Trinka Ernce, Esq.  
Orrick, Herrington & Sutcliffe LLP  
400 Capitol Mall, Ste. 3000  
Sacramento, CA 95814-4497

Anne Loraditch, Esq.  
Beckley Singleton, Chtd.  
530 Las Vegas Blvd. South  
Las Vegas, NV 89101

**BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid.

I am readily familiar with Schreck Brignone's practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

**BY FACSIMILE** machine pursuant to Rule 2008(e). The recipient's name and fax number that I used are as shown above. The facsimile machine that I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), a transmission report was properly issued by the transmitting facsimile machine.

**OVERNITE EXPRESS.** I caused such envelopes to be deposited in the Overnite Express Drop Box at Las Vegas, Nevada.

**FEDERAL EXPRESS.** I caused such envelopes to be deposited in the Federal Express Drop Box at Las Vegas, Nevada.

**BY PERSONAL SERVICE.** I delivered such envelope by hand to the offices of the addressee.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 28, 2006 at Las Vegas, Nevada.

/s/ Angelica Barreras  
Angelica Barreras